

FORM PTO-1390  
(REV 01-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

FJN-070

U.S. APPLICATION NO. (If known)

**09/202455**

INTERNATIONAL APPLICATION NO.

PCT/JP98/01728

INTERNATIONAL FILING DATE

15 April 1998 (15.04.98)

PRIORITY DATE CLAIMED

15 April 1997 (15.04.97)

TITLE OF THE INVENTION

NOVEL PROTEIN AND METHOD FOR PRODUCING THE PROTEIN

APPLICANT(S) FOR DO/EO/US

YAMAGUCHI, Kyoji; YASUDA, Hisataka; NAKAGAWA, Nobuaki; SHIMA, Nobuyuki; KINOSAKI, Masahiko; TSUDA, Eisuke; GOTO, Masaaki; YANO, Kazuki; TOMOYASU, Akihiro; KOBAYASHI, Fumie; WASHIDA, Naohiro; TAKAHASHI, Ken; MORINAGA, Tomonori; HIGASHIO, Kanji

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371 (f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371 (b) and PCT Articles 22 and 39 (1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau (**front page is attached**).
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371 (c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(4)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment (6 pages).
  - ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Copies of the English translations of the Japanese priority documents, JP Application Nos.: 97808/1997 (44 pages, 4 pages of drawings, 2 pages of data correction); 151434/1997 (38 pages, 2 drawings, 1 Abstract, 2 pages of data correction); 217897/1997 (58 pages, 5 drawings, 1 abstract, 4 pages of data information); 224803/1997 (54 pages, 4 drawings, 1 abstract, 3 pages of data information); 332241/1997 (57 pages, 2 drawings, 1 abstract, 2 pages of data information); PCT Request (8 pages); Budapest Treaty on International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (10 pages); International Search Report (4 pages).

17. ☒ The following fees are submitted:

CALCULATIONS

PTO USE ONLY

**BASIC NATIONAL FEE (37 CFR 1.492 (a)(1)-(5))**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445 (a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO .....\$970.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO. ....\$ 840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445 (a)(2)) paid to USPTO. .... \$760.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33 (1)-(4) ..... \$670.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33 (1)-(4) ..... \$96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS

NUMBER  
FILED

NUMBER  
EXTRA

RATE

Total claims

67 - 20 =

47

x \$ 18.00

\$ 846.00

Independent  
claims

12 - 3 =

9

x \$ 78.00

\$ 702.00

MULTIPLE DEPENDENT CLAIM(S)

(if applicable)

+ \$ 260.00

\$ 260.00

**TOTAL OF ABOVE CALCULATIONS =**

\$ 2648.00

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement  
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$

**SUBTOTAL =**

\$ 2648.00

Processing fee of \$130.00 for furnishing the English translation later than  
☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). +

\$

**TOTAL NATIONAL FEE =**

\$ 2648.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must  
be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per  
property.

\$

**TOTAL FEES ENCLOSED -**

\$ 2648.00

Amount to be  
refunded

\$

charged

\$

a. ☒ A check in the amount of \$ 2762.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to  
Deposit Account Number No. 20-0531.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137  
(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Patent Administrator

TESTA, HURWITZ & THIBEAULT, LLP

125 High Street

Boston, MA 02110

Reg.No.: 41,670

Dated: December 15, 1998

  
SIGNATURE

Jerrie L. Chiu

NAME